

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel.)	
W. A. DREW EDMONDSON, in his capacity as)	
ATTORNEY GENERAL OF THE STATE OF)	
OKLAHOMA and OKLAHOMA SECRETARY)	
OF THE ENVIRONMENT C. MILES TOLBERT,)	
in his capacity as the TRUSTEE FOR NATURAL)	
RESOURCES FOR THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	05-CV-329 TCK-SAJ
)	
TYSON FOODS, INC., TYSON POULTRY, INC.,)	
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,)	
AVIAGEN, INC., CAL-MAINE FOODS, INC.,)	
CAL-MAINE FARMS, INC., CARGILL, INC.,)	
CARGILL TURKEY PRODUCTION, LLC,)	
GEORGE'S, INC., GEORGE'S FARMS, INC.,)	
PETERSON FARMS, INC., SIMMONS FOODS, INC.,)	
and WILLOW BROOK FOODS, INC.,)	
)	
Defendants.)	
)	
TYSON FOODS, INC., TYSON POULTRY, INC.,)	
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,)	
GEORGE'S, INC., GEORGE'S FARMS, INC.,)	
PETERSON FARMS, INC., SIMMONS FOODS, INC.,)	
and WILLOW BROOK FOODS, INC.,)	
)	
Third Party Plaintiffs,)	
)	
vs.)	
)	
City of Tahlequah, <i>et al.</i>,)	
)	
Third Party Defendants)	

**ORDER GRANTING ENLARGEMENT OF TIME
FOR SERVICE OF THIRD PARTY COMPLAINT**

This matter comes before the Court pursuant to Third Party Plaintiffs' Motion to Enlarge

Time for Service upon Third Party Defendants [Docket No. 215] filed on February 24, 2006. Having reviewed the Motion, the Plaintiffs' Response and the file in this matter, the Court finds as follows:

1. Third Party Plaintiffs filed their Third Party Complaint on October 4, 2005. Pursuant to Fed. R. Civ. P. 4(m), the original date that service of process upon the Third Party Defendants was to be accomplished was February 1, 2006.

2. Third Party Plaintiffs filed on December 23, 2005, their *Motion to Toll Running of Time to Serve Process Upon Third Party Defendants Pending Disposition of Defendants' Motion to Stay* [Docket No. 173].

3. On January 9, 2006, the Court granted Third Party Plaintiffs' Motion [Docket No. 190] tolling the time period for service "until such time as the Court rules upon the Defendants' Motion to Stay or otherwise enters an order setting a date for service of process upon the Third Party Defendants." At the time the Court entered its Order on January 9, 2006, the time remaining for the Third Party Plaintiffs to serve Third Party Defendants was twenty-three (23) days.

4. On February 22, 2006, Defendants filed their *Notice of Withdrawal of Defendants' Motion to Stay Proceedings and Request for Expedited Hearing* [Docket No. 212], whereby they withdrew their *Motion to Stay Proceedings and Integrated Brief in Support and Request for Expedited Hearing* [Docket No. 125].

5. The Court finds that it is in the interest of justice to enlarge the time for service upon the Third Party Defendants. Extending the deadline for service on the third parties will not cause any prejudice to any party, and it will serve the interests of justice through efficient management of resources and the progress of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Third Party Plaintiffs' Motion is sustained, and the deadline for service of the Third Party Complaint upon the Third Party Defendants is set for sixty (60) days from the entry of this Order, or by May 20, 2006.

So Ordered this 20th day of March, 2006.

A handwritten signature in cursive script, reading "Terence Kern", written in black ink.

TERENCE C. KERN, District Judge
UNITED STATES DISTRICT COURT